

# CITY OF SAN BRUNO

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## STAFF

George D. Foscardo, AICP,  
*Community Development Director*  
Grant Wilson, AICP, *Associate Planner*  
Aaron Aknin, AICP, *Associate Planner*  
Pamela Thompson, *City Attorney*  
Tanya Sullins, *Recording Secretary*

## PLANNING COMMISSIONERS

Kevin Chase, *Chair*  
Perry Petersen, *Vice-Chair*  
Mary Lou Johnson  
Bob Marshall Jr.  
Joe Sammut  
Robert Schindler  
Mark Tobin

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## COMMUNITY DEVELOPMENT DEPARTMENT

### PLANNING COMMISSION MINUTES

August 19, 2003  
San Bruno Senior Center  
1515 Crystal Springs Blvd.  
7:00 P.M. to 9:00 P.M.

CALL TO ORDER at 7:00 p.m.

### ROLL CALL

	<u>Presen</u>	<u>Absent</u>
Chair Chase	<u>t</u> x	
Vice Chair Petersen		x
Commissioner Johnson	x	
Commissioner Marshall	x	
Commissioner Schindler	x	
Commissioner Sammut	x	
Commissioner Tobin	x	

### STAFF PRESENT:

Planning Division:	<b>George Foscardo</b> <b>Aaron Aknin</b> , Associate Planner <b>Tanya Sullins</b> , Planning Secretary
City Attorney's Office:	Karen Murphy, <b>Interim</b> City Attorney

### Pledge of Allegiance

1. **Approval of Minutes** July 15, 2003  
Motion/Second
2. Communication

### 3. Public Comment

Ms. Kaiser

### 4. 172 Elm Avenue

Request for an amendment to Use Permit 02-68 to allow changes to the approved plans, per Sections 12.200.030.B.1 and 12.200.080.A.2 of the San Bruno Zoning Ordinance. Margarita Santillan (owner/applicant).

Associate Planner Aknin entered staff report. Staff recommends that the San Bruno Planning Commission **approve the amendment to** Use Permit UP-02-68 subject to the attached Findings of Fact (1-10) and Conditions of Approval (1-14).

#### Public Hearing Opened

Chair Chase asked applicant if she agreed with the conditions of approval. Applicant stated that she did. Commissioner Johnson asked if there was anything different that has come up since the meeting that was held with the neighbors. Applicant stated that she was concerned with the starting of the roof, but everything else is ok. Chair Chase commended the applicant on listening to the neighbors and working out the issues.

#### Public Hearing Closed

Commissioner Johnson thanked staff on working so well on this issue, and brought the community together to make this work for everyone.

**Motion Johnson/Second Schindler** to approve the amendment to Use Permit UP-02-68 subject to the attached Findings of Fact (1-10) and Conditions of Approval (1-14).

VOTE: 6-0-0  
AYES: 6  
NOES: 0  
ABSTAIN: 0

**(Chair Chase advised of the 10-day appeal period.)**

#### **FINDINGS FOR APPROVAL**

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday August 9, 2003, and 105 notices were mailed to property owners within 300 feet of the project site on August 8, 2003.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.

4. The project is Categorical Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed dwelling is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the alterations proposed to the existing structure and the proportions of the home are similar to other buildings in the neighborhood.
6. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
8. The off-street parking will be adequate for the residence as determined by the zoning ordinance.
9. The height of the home is well below the maximum allowed in a single-family residential district.
10. The home is setback approximately 30' from the rear property line, where 10' is the required setback.

#### **CONDITIONS FOR APPROVAL**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 02-68 shall not be valid for any purpose. Use Permit 02-68 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The request for a use permit for an addition to an existing dwelling at 172 Elm Avenue shall be built according to plans approved by the Planning Commission on August 19, 2003, labeled Exhibit C except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
3. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside

construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.

4. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
5. The residence and garage shall be used only as a single-family residential dwelling. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
6. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
7. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
8. All exterior materials and windows shall match and the entire structure shall be repainted.
9. Any work in the City Right-of-Way which includes the sidewalk, street and driveway approach, requires an encroachment permit from the Public Works Department. Materials and debris shall not be stockpiled within the City right-of-way.
10. Install a sanitary sewer cleanout at the property line per City standards.
11. Storm water from new addition and roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter.
12. The rear roof shall be a hip roof.
13. The applicant shall plant trees along the rear property line to the satisfaction of Staff.
14. The rear window shall be no larger than 4'x4'.

## **5. 130 Elmwood Court**

Request for a Use Permit for a 1<sup>st</sup> and 2<sup>nd</sup> story addition, which would increase the existing floor area by more than 50%, would exceed the .55 floor area ratio guideline, and would exceed 2,800 sq. ft. with only two covered spaces, per Section

12.200.030.B.1, 12.200.030.B.2, 12.200.080(A)(3) of the San Bruno Zoning Ordinance.  
Eric & Anne-Marie Jimenez (applicant & owner)

Associate Planner Aknin stated that because the applicant was not ready, this case is to be continued. Staff recommends that the San Bruno Planning Commission **continue Use Permit UP-03-18** to September 16, 2003.

Public Hearing Opened

NA

Public Hearing Closed

Motion Tobin /Second Johnson to continue UP 03-18 to September 16, 2003 Planning Commission meeting.

VOTE:	6-0-0
AYES:	6
NOES:	0
ABSTAIN:	0

**(Chair Chase advised of the 10-day appeal period.)**

#### **6. 312 Oak Avenue**

Request for a Use Permit for an addition, which would increase the existing floor area by more than 50%, and proposes to have a floor area greater than 1,825 sq. ft. with a one car garage, per Sections 12.200.030.B.1, & 12.200.080.A.2 of the San Bruno Zoning Ordinance. Gutz Construction (applicant), Emmanuel Ortiz (owner).

Staff recommends that the Planning Commission **approve** Use Permit 03-22 based on Findings of Fact (1-8) and Conditions of Approval (1-14).

Associate Planner Aknin entered staff report.

Public Hearing Opened

Applicant and owner was present to answer questions. Commissioner Schindler asked the owner if he agrees with the Conditions of Approval. Commissioner Tobin asked if parking issues currently impacts his block. Owner stated that there is a lot of street parking along Oak Avenue, and his site in addition to the one car garage, they have a driveway for additional parking.

Public Hearing Closed

Associate Planner Aknin stated that parking is a little less impacted on days where there are no church activities going on. Commissioner Schindler and Commissioner Johnson asked to have gutters added to the project in the form of a condition of approval.

**Motion Sammut/Second Schindler approve** Use Permit 03-22 based on Findings of Fact (1-8) and Conditions of Approval (1-15).

VOTE: 6-0-0  
AYES: 6  
NOES: 0  
ABSTAIN: 0

**(Chair Chase advised of the 10-day appeal period.)**

**FINDINGS FOR APPROVAL**

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, August 9, 2003, and notices were mailed to property owners within 300 feet of the project site on August 8, 2003.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the existing structure and the proportions of the house are similar to other houses in the neighborhood.
6. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
8. The off-street parking will be adequate for the residence.

**CONDITIONS FOR APPROVAL**

Community Development Department

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until

such time as the Summary is filed, Use Permit 03-22 shall not be valid for any purpose. Use Permit 03-022 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.

2. The request for a Use Permit for a first and second-story addition to an existing dwelling shall be built according to plans approved by the Planning Commission on August 19, 2003, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
  3. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
  4. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
  5. The residence and garage shall be used only as a single-family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
  6. The lower level of the home shall not be rented out as a 2<sup>nd</sup> unit. The applicant shall not install a kitchen in this area.
  7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
  8. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
  9. All exterior materials and roofing materials shall match.
  10. Gutters are to be added draining to the street
- Department of Public Works - (650) 616-7065
11. Comments to be included at time of permit issuance.
  12. Install a sanitary sewer cleanout at the property line.

13. Storm water from new addition and garage roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter.
14. Paint house number on face of curb near driveway approach. Black lettering on white background.
15. Encroachment Permit required

## **7. 1147 Glenview Drive**

Request for a Use Permit & Minor Modification Permit for a two story addition, which would increase the existing floor area by more than 50%, would exceed the FAR of .55, and the new addition will encroach 2 feet into the sideyard setback, per Section 12.200.030.B.1, 12.200.050.A, and 12.120.010(B) of the San Bruno Zoning Ordinance. James Neubert (architect/applicant) -- Henry Sanchez & Tracy Pyers (owner).

Planning Intern Bologna entered the staff report. Staff recommends that the Planning Commission **approve** Use Permit 03-23 and Minor Modification Permit 03-09 based on Findings of Fact (1-8) and Conditions of Approval (1-11).

### Public Hearing Opened

Owner Mr. Sanchez & Architect Mr. Neubert were present to answer questions. Commissioner Johnson asked about tearing out some of the additions that were done without permits. Applicant stated that there is a patio area currently that was built without a permit that will be torn down. Commissioner Tobin asked applicant if he received a letter from neighbor. Applicant had not, but the questions were in regards to the length of time and workdays for the construction project. Applicant stated that he feels that this should take roughly 10 months worked Monday – Friday and some Saturday's. Architect stated that due to this neighbors concern they changed the double hung windows on the south side to transom windows. Commissioner Sammut asked how long the outside work would take, not including any of the interior construction. Applicant stated he felt it should be about 3 – 4 months. Commissioner Johnson commended applicants in taking into consideration the neighbors privacy.

### Public Hearing Closed

Community Development Director Foscardo asked if the changing of the dining room window a requirement or an option.

**Motion Johnson/Second Marshall approve** Use Permit 03-23 and Minor Modification Permit 03-09 based on Findings of Fact (1-8) and Conditions of Approval (1-12).

VOTE:	6-0-0
AYES:	6
NOES:	0
ABSTAIN:	0



**(Chair Chase advised of the 10-day appeal period.)**

**FINDINGS FOR APPROVAL**

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, August 9, 2003, and notices were mailed to property owners within 300 feet of the project site on August 8, 2003.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the existing structure and the proportions of the house are similar to other houses in the neighborhood.
6. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
8. The off-street parking will be adequate for the residence.

**CONDITIONS FOR APPROVAL**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 03-23 and Minor Modification Permit 03-09 shall not be valid for any purpose. UP 03-23 & MM 03-09 shall

expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.

2. The request for a Use Permit for first and second story addition to an existing dwelling shall be built according to plans approved by the Planning Commission on August 19, 2003, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
3. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
4. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
5. The residence and garage shall be used only as a single-family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
6. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
7. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
8. All exterior materials and roofing materials shall match, and shall be consistent with colors submitted to the Planning Commission.
9. Dining room window is to be changed.

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10. Install a sanitary sewer cleanout at the property line.
11. Storm water from new addition and garage roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter.
12. No fence or retaining wall shall be built within 2' from the back of the sidewalk.

## 8. 561 Fourth Avenue

Request for a Use Permit for a single story addition, which would increase the existing floor area by more than 50%, per Section 12.200.030.B.1 of the San Bruno Zoning Ordinance. Charles Flannery (architect/applicant) – Leticia Huizar (owner).

Staff recommends that the San Bruno Planning Commission **continue Use Permit UP-03-24** to September 16 2003.

### Public Hearing Opened

Ms. Kaiser on 5<sup>th</sup> Avenue is concerned with the writing on the back of the notification couldn't be read. She also feels that the legal description of it being increased by more than 50% is too vague and doesn't help in giving a picture to the neighbors how big this addition will really be. Associate Planner Wilson stated that the 50% criteria apply to any house. Commissioner Marshall stated that the mailer that goes out is just a courtesy to let you know that an addition is going on. The Planning Commission does not base their decision only on that mailer. They receive a complete packet of a complete set of plans, and a staff report, which is also available to all the neighbors at City Hall for review. Community Development Director Foscardo wanted to clarify Ms. Kaiser's concern in regards to the 50%. He states that this threshold is there to show that it requires a use permit. It doesn't mean that it is violating any conditions; it just means that it takes public review. This is a general description of when it changes the character of the neighborhood, which is why it requires public review.

Commissioner Tobin asked if there is a proposal for tandem garage. Associate Planner Wilson stated that the FAR is under 1825 so only one parking space is required.

### Public Hearing Closed

**Motion Johnson/Second Sammut** to continue to September 16, 2003

VOTE:	6-0-0
AYES:	6
NOES:	0
ABSTAIN:	0

**(Chair Chase advised of the 10-day appeal period.)**

## 9. 1442 Williams Avenue

Request for a Use Permit for a 1,297 square foot addition, which would increase the existing floor area by more than 50%, would exceed the .55 FAR guideline, per Sections 12.200.030.B.1, 12.200.030.B.2 of the San Bruno Zoning Ordinance. Bryan Verna (owner/applicant)- Eric Keng (architect).

Associate Planner Wilson entered staff report. Staff recommends that the Planning Commission **approve** Use Permit 03-25 based on Findings of Fact (1-8) and Conditions of Approval (1-12).

Public Hearing Opened

Architect was present to answer questions. He stated that the house would be increased from a one car to a two-car garage. Commissioner Schindler asked if he was aware of the conditions of approval. Architect stated that he was, and agreed with them.

Public Hearing Closed

**Motion Johnson /Second Marshall approve** Use Permit 03-25 based on Findings of Fact (1-8) and Conditions of Approval (1-12).

VOTE: 6-0-0  
AYES: 6  
NOES: 0  
ABSTAIN: 0

**FINDINGS FOR APPROVAL**

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, August 9, 2003, and notices were mailed to property owners within 300 feet of the project site on August 8, 2003.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the existing structure and the proportions of the house are similar to other houses in the neighborhood.
6. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the

neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.

7. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
8. The off-street parking will be adequate for the residence.

### **CONDITIONS FOR APPROVAL**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 03-25 shall not be valid for any purpose. Use Permit 03-25 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The request for a Use Permit for first and second-story addition to an existing dwelling shall be built according to plans approved by the Planning Commission on August 19, 2003, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
3. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
4. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
5. The residence and garage shall be used only as a single-family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
6. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
7. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.

8. All exterior materials and roofing materials shall match.
9. Existing debris and construction equipment will be removed from the front and side yard prior to the issuance of a building permit.

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10. Any work in the City Right-of-Way which includes the sidewalk, street and driveway approach, requires an encroachment permit from the Public Works Department. Materials and debris shall not be stockpiled within the City right-of-way. The existing curb cut shall be removed and replaced with a new curb cut and the curb and gutter replaced where necessary.
11. Install a sanitary sewer cleanout at the property line.
12. Storm water from new addition and garage roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter.
13. No fence or retaining wall shall be built within 3.5' from the back of the sidewalk.

**9. 3480 Crestmoor Drive**

Request for a Use Permit for a 1,077 square foot addition, which would increase the existing floor area by more than 50%; per Section 12.200.030.B.1 of the San Bruno Zoning Ordinance; Mr. and Mrs. Dan Strazzullo, owners; Ed Love, architect.

Associate Planner Wilson entered staff report. Staff recommends that the Planning Commission **approve** Use Permit 03-27 based on Findings of Fact (1-8) and Conditions of Approval (1-13).

Public Hearing Opened

Owner and architect were present to answer questions. Commissioner Schindler asked the Architect why the skylight had a gable end instead of a hip style end. Architect Love stated that this was because this style skylight is to bring light into the living room. If it has a hip roof on each end, some of the glass is eliminated from allowing light into the house.

Public Hearing Closed

**Motion Sammut/Second Tobin approve** Use Permit 03-27 based on Findings of Fact (1-8) and Conditions of Approval (1-13).

VOTE:	6-0-0
AYES:	6
NOES:	0
ABSTAIN:	0

## **FINDINGS FOR APPROVAL**

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, August 9, 2003, and notices were mailed to property owners within 300 feet of the project site on August 8, 2003.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the existing structure and the proportions of the house are similar to other houses in the neighborhood.
6. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
8. The off-street parking will be adequate for the residence.

## **CONDITIONS FOR APPROVAL**

### **Community Development Department**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 03-27 shall not be valid for any

purpose. Use Permit 03-027 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.

2. The request for a Use Permit for a first and second-story addition to an existing dwelling shall be built according to plans approved by the Planning Commission on August 19, 2003, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
3. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
4. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
5. The residence and garage shall be used only as a single-family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
6. A four (4) inch drain is required at fourth toilet all the way to the city's sewer connection.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
8. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
9. All exterior materials and roofing materials shall match.

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10. Comments to be included at time of permit issuance.
11. Install a sanitary sewer cleanout at the property line.
12. Storm water from new addition and garage roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter.



### 13. Encroachment Permit required

#### 11. 324 San Felipe Avenue

Request for a use permit to allow construction of an addition that will result in a floor area ratio of .62 and would have a second story not set back five feet from the front of the first story; per Sections 12.200.030.B.2 and 12.200.040.B.2 of the San Bruno Zoning Ordinance – Rameshwar and Pravin Singh, (owners); Sujendra Mishra, (designer). Public Hearing Opened

Planning Intern Bologna entered staff report. Staff recommends that the Planning Commission **approve** Use Permit 03-28 based on Findings of Fact (1-8) and Conditions of Approval (1-14).

Applicant was present to answer questions. Commissioner Schindler asked about a fence along the west property line. Applicant stated that would be replaced in the construction process.

Public Hearing Opened

N/A

Public Hearing Closed

**Motion Sammut /Second Schindler approve** Use Permit 03-28 based on Findings of Fact (1-8) and Conditions of Approval (1-15). (condition added to replace fence on west side of property line.)

VOTE:	6-0-0
AYES:	6
NOES:	0
ABSTAIN:	0

#### **FINDINGS FOR APPROVAL**

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, August 9, 2003, and notices were mailed to property owners within 300 feet of the project site on August 8, 2003.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.

4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the existing structure and the proportions of the house are similar to other houses in the neighborhood.
6. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
8. The off-street parking will be adequate for the residence.

#### **CONDITIONS FOR APPROVAL**

##### **Community Development Department**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 03-28 shall not be valid for any purpose. Use Permit 03-028 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The request for a Use Permit for a addition to an existing dwelling shall be built according to plans approved by the Planning Commission on August 19, 2003, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
3. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
4. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.

5. The residence and garage shall be used only as a single-family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
6. The lower level of the home shall not be rented out as a 2<sup>nd</sup> unit. The applicant shall not install a kitchen in this area.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
8. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
9. All exterior materials and roofing materials shall match.
10. Fence along west side of property line is to be replaced.

**Department of Public Works - (650) 616-7065**

11. Comments to be included at time of permit issuance.
12. Install a sanitary sewer cleanout at the property line.
13. Storm water from new addition and garage roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter.
14. Paint house number on face of curb near driveway approach. Black lettering on white background.
15. Encroachment Permit required

**11. 3531 Sneath Lane**

Request for a Use Permit to allow a large family day care operation in a single-family residential zone; per Sections 12.84.200 and 12.96.060.C.6 of the San Bruno Zoning Ordinance – Maria Fernandez, applicant – Mark Awad, owner **UP-03-29**.

Associate Planner Aknin entered staff report. Staff recommends that the San Bruno Planning Commission **approve** Use Permit UP-02-53 subject to the attached Findings of Fact (1-8) and Conditions of Approval (1-10). Commissioner Marshall asked if this use permit follows the applicant or the home. Commissioner Johnson stated that the Family Day Care Use Permit goes with the person and not the home.

**Public Hearing Opened**

Owner was present to answer questions. Commissioner Schindler asked about the area of parking that will be provided. Owner stated that the space required would be the driveway. Commissioner Sammut asked for the hours of the daycare. Owner stated that they are dropped off throughout the morning after 7 a.m. Associate Planner Akin recommended that a condition of approval be added stating that parents are to use the driveway as the primary parking spot.

Neighbor from 260 Merced Drive is opposed to the proposed daycare. She is concerned with a few board and care homes in the neighborhood and adding a large family day care would increase the traffic, noise, and services. She feels that because this is a residential neighborhood there should be no businesses allowed in the area.

Neighbor at 291 Merced Drive feels that this daycare has a negative impact to the neighborhood. He feels that it will disrupt their family life. He also expressed concern with parking issues, traffic issues due to the church and elementary school. He wants to preserve the neighborhood as a residential neighborhood.

Neighbor at 3511 Sneath Lane since 1968 expressed his concerned with the large family daycare due to the traffic issues. He feels that the value of the homes is decreasing due to the additional traffic.

Neighbor at 271 Merced Drive has lived there since 1965. He thought this area was a Single Family Dwelling area, but now with the care homes and daycare, he feels that it is turning into a commercial area. He can't park in front of his home anymore due to the congestion. He doesn't understand why the City still states that this area is still a single-family area, but is allowing businesses go on in the neighborhood.

Neighbor at 3521 Sneath Lane has lived there since 1968. He says that over the years the area has now turned into homes being rented out to several different families. Also there have been several accidents in the past few years due to the congestion. People drive down that street very quickly. Also, the noise from the day care is extensive, and he feels that it is like a park. Parking is very congested, and feels that the applicant will have problems with parking.

**Public Hearing closed**

Commissioner Schindler gave an example of similar case that had been worked out with the applicant that had parking a few blocks away, and the owner provided even a shuttle service. Commissioner Tobin asked City Attorney about the commissioner's obligations to allow this type of use in a residential setting. Community Development Director Foscardo stated that many of the uses that were discussed that evening are permitted by right by the state and supercede local ordinances. Commissioner Marshall asked applicant how long they have been in business. Applicant stated that it has been

since 1996, and at this new location have only been in full force for the past week. She also stated that with 14 children there needs to be 2 supervisors. In regards to the noise in the backyard, she wanted to remind everyone that children can't be in the backyard that much just due to the weather and their nap times. (She submitted pictures of the backyard.) Commissioner Johnson spoke in regards to traffic issues, and the other businesses in the area. She feels that quality of life is very important, but in this particular case, this business is not related to the care homes, which are 24-hour care homes. She suggested continuing this case to the next meeting to insure that it meets the neighbor's needs and the applicant.

**Motion Marshall/ Second Tobin continue to September 16, 2003 meeting.**  
**Motion Tobin / Second Marshall to support a waiver pending on the Planning Commission action in September to allow applicant's 4 month old daughter to remain in the home as the 9<sup>th</sup> child until that time. Addresses submitted by attendees who want to be notified.**

VOTE: 6-0-0  
AYES: 6  
NOES: 0  
ABSTAIN: 0

#### **10. City Staff Discussion**

ARC for September 11, 2003 (Schindler, Chase, Sammut)

The Planning Commissioners will receive the recommendation from the General Plan Update Committee towards the end of September. A subcommittee meeting needs to be held on residential additions in September.

#### **11. Planning Commission Discussion**

Commissioner Schindler asked for an update on The Crossing. Community Development Director Foscardo stated that they are in negotiations for an upscale restaurant going in there. Commissioner Marshall asked staff to take a look at the truck sale going on because they had a condition of no signage, and they have had signage up.

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**George Foscardo,**  
Secretary to the Planning Commission  
City of San Bruno

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**Kevin Chase,** Chairperson  
Planning Commission  
City of San Bruno

NEXT MEETING: September 16, 2003

GF/ts

Adjourned at: 9:00 p.m.